

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a one month extension of the period for response to the office action mailed on December 23, 2008 is enclosed. The extended period for response expires on April 23, 2009.

Claim Status

Claims 1-22 were presented. Claims 1-12 and 19-22 are canceled without prejudice. Claims 13-18 are amended. New claims 23-25 are added. Claims 13-18 and 23-25 are now pending.

Claim Rejections – 35 USC 103

Claims 1-11 and 22

Claims 1-11 and 22 are rejected under 35 USC 103(a) as obvious over Takatsu (US 6,535,702) in view of Yajima (US 6,862,104) and Sato '775 (US 6,704,775). In response, claims 1-11 and 22 are canceled without prejudice.

Claims 12-16 and 18-21

Claims 12-16 and 18-21 are rejected under 35 USC 103(a) as obvious over Takatsu in view of Yajima, Sato '775 and Yoshida (US 6,130,757). In response, applicant traverses the rejections and amends claims 14 and 15 into independent form. Claims 13 and 16 are amended to depend from claim 14. Claim 18 is amended to incorporate the limitations of claim 14. Claims 12 and 19-21 are canceled without prejudice.

Each of claims 14 and 15, which are now independent, and claim 18 requires use of a predetermined algorithm to select a job to be canceled from among a plurality of jobs that are being executed in parallel. The predetermined algorithm is specifically defined in claims 14, 15 and 18 as selecting a read job when a read job is being executed, selecting a facsimile transmission job when a facsimile transmission job and not a read job is being executed, and selecting a print job when

a print job is being executed and neither a read job nor a facsimile transmission job is being executed.

The Action acknowledges that Takatsu, Yajima and Sato '775 fail to disclose that a job to be canceled is selected by way of a predetermined algorithm. However, the Action asserts that Yoshida remedies this deficiency via its disclosure at col. 12, lines 10-19 and FIG. 13 that an operator can delete a selected job by pressing the delete key. In this regard, the Action states "Examiner interprets that when a selection is made on the touch panel, the function for that selection has been programmed to execute a specific instruction/s; therefore, it satisfies the predetermined algorithm requirement". Thus, the Examiner's position is that the delete function carried out when the delete key is pressed satisfies the "predetermined algorithm requirement".

However, as discussed above, claims 14 and 15 specifically define the predetermined algorithm, in particular, the order in which jobs are selected to be canceled, and specifically, in the order of read job, facsimile transmission job and print job. Clearly, the function implemented by a delete key to delete an operator-selected job is not an algorithm that cancels jobs according to priority of job type, as is called for in claims 14, 15 and 18. With respect to this defined priority according to job type implemented by the algorithm, the Action references Yajima's disclosure in FIGS. 1-3 of "scanning the document to fax", "fax job" and "print job selection". However, Yajima's mere disclosure of these types of jobs bears no relevance to an algorithm for determining, according to job-type, which of jobs running in parallel should be canceled.

In sum, none of the references, taken alone or in combination, discloses or suggests applicant's predetermined algorithm by which first priority is given to cancellation of a read job, and then to a facsimile transmission job and then to a print job. For these reasons, the rejections of claims 14, 15 and 18 under 35 USC 103 should be withdrawn. Claims 13 and 16 are amended to depend from claim 14 and are allowable for the same reasons.

Claim 17

Claim 17 is rejected under 35 USC 103(a) as obvious over Takatsu in view of Yajima, Sato '775, Yoshida and Sato '811. In response, claim 17 is amended to depend from claim 14. Sato '811 is cited as disclosing that a job is canceled due to an error in the apparatus without intervening the user, and bears no more relevance to cancellation of jobs by priority of job type than do the references discussed above. Accordingly, the rejection of claim 17 under 35 USC 103(a) should be withdrawn for the same reasons as discussed with respect to claim 14.

New Claims


New dependent claims 23-25 are similar to dependent claims 13, 16 and 17, but depend from claim 15 rather than claim 14. They are allowable over the art of record for the same reasons as discussed above.

Conclusion

This application is believed to be in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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